UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JENNIFER R. PSAKI

Movant,

v.

STATE OF MISSOURI ex rel. ERIC S. SCHMITT, Attorney General, et al.,

Respondents.

Misc. Case No. 1:22-mc-28

Underlying Case No. 3:22-cv-01213-TAD-KDM (W.D. La..)

JOINT MOTION TO SET AGREED BRIEFING SCHEDULE ON MOTIONS TO QUASH DEPOSITION SUBPOENA

Earlier today, November 3, 2022, both the United States and former White House Press Secretary Jennifer Psaki, through her private counsel, moved to quash the third-party subpoena served by Missouri and Louisiana ("the States") on Ms. Psaki on October 31, 2022, under Federal Rule of Civil Procedure 45. The subpoena seeks Ms. Psaki's deposition in this district, where she resides, on December 8, 2022. The United States and Ms. Psaki have noticed a hearing on the motions to quash for November 18, 2022.

Counsel for the United States, private counsel for Ms. Psaki, and counsel for the States have conferred and reached agreement on a schedule for briefing on the motions to quash. The parties' agreed-upon schedule incorporates the following deadlines:

- The States' response in opposition to the Motions to Quash: November 11,2022
- Reply briefs by the United States and Ms. Psaki through private counsel in support of their respective Motions to Quash: November 16, 2022, at 5 pm EST

Counsel for the United States and the States, together with private counsel for Ms. Psaki, respectfully request entry of the above agreed-to briefing schedule, with the hearing on the motions to quash to take place on November 18, 2022.

Dated: November 3, 2022 Respectfully submitted,

BRIAN M. BOYNTON Principal Deputy Assistant Attorney General

JESSICA D. ABER United States Attorney

JAMES J. GILLIGAN Special Litigation Counsel, Federal Programs Branch

ADAM D. KIRSCHNER (IL Bar No. 6286601)
Senior Trial Counsel
KYLA SNOW (OH Bar No. 96662)
INDRANEEL SUR (D.C. Bar No. 978017)
KUNTAL CHOLERA (D.C. Bar No. 1031523)
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L. Street, NW
Washington D.C. 20005
Tel: (202) 514-3259
kyla.snow@usdoi.gov

/s/ Lauren A. Wetzler

LAUREN A. WETZLER Chief, Civil Division Assistant United States Attorney 2100 Jamieson Ave. Alexandria, VA 22314 Tel: (703) 299-3752 lauren.wetzler@usdoj.gov

ATTORNEYS FOR THE UNITED STATES OF AMERICA

ERIC S. SCHMITT Attorney General of Missouri

/s/ D. John Sauer

D. John Sauer, Mo. Bar No. 58721*
Solicitor General
Justin D. Smith, Mo. Bar No. 63253
First Assistant Attorney General
Todd Scott, Mo. Bar No. 56614
Senior Counsel
Michael E. Talent, Mo. Bar No. 73339
Deputy Solicitor General
Missouri Attorney General's Office
Post Office Box 899
Jefferson City, MO 65102
Tel: (573) 751-8870
John.Sauer@ago.mo.gov
Counsel for State of Missouri

* pro hac vice application forthcoming

/s/ John J. Vecchione

Jenin Younes *
John J. Vecchione
New Civil Liberties Alliance
1225 19th Street N.W., Suite 450
Washington, DC 20036

Direct: (202) 918-6905

E-mail: jenin.younes@ncla.legal

Counsel for Plaintiffs Dr. Jayanta Bhattacharya,

Dr. Martin Kulldorff, Dr. Aaron Kheriaty, and Jill Hines

/s/ John C. Burns

John C. Burns Burns Law Firm P.O. Box 191250 St. Louis, Missouri 63119 P: 314-329-5040 F: 314-282-8136

E-mail: john@burns-law-firm.com Counsel for Plaintiff Jim Hoft

JEFFREY M. LANDRY Attorney General of Louisiana

/s/ Elizabeth B. Murrill

Elizabeth B. Murrill (La #20685) Solicitor General
Louisiana Department of Justice
1885 N. Third Street
Baton Rouge, Louisiana 70804
Tel: (225) 326-6766
murrille@ag.louisiana.gov
Counsel for State of Louisiana

JENNIFER R. PSAKI

/s/ Edward E. Bagnell, Jr.

Edward E. Bagnell, Jr. (VSB # 74647) Email: <u>ebagnell@spottsfain.com</u> Spotts Fain PC 411 E. Franklin Street, Suite 600 Richmond, VA 23219 Tel. 804 697-2000

Fax: 804 697-2177

- and -

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Jeannie S. Rhee* 2001 K Street, N.W. Washington, DC 20006 jrhee@paulweiss.com

David K. Kessler*
Muamera Hadzic*
1285 Avenue of the Americas
New York, NY 10019
dkessler@paulweiss.com
mhadzic@paulweiss.com

Attorneys for Movant Jennifer R. Psaki

* Application for admission *pro hac vice* pending

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2022, a copy of the document above was served by email to the following counsel of record for Respondents:

/s/ D. John Sauer

D. John Sauer, Mo. Bar No. 58721*
Solicitor General
Justin D. Smith, Mo. Bar No. 63253
First Assistant Attorney General
Todd Scott, Mo. Bar No. 56614*
Senior Counsel
Michael E. Talent, Mo. Bar No. 73339*
Deputy Solicitor General
Missouri Attorney General's Office
Post Office Box 899
Jefferson City, MO 65102
Tel: (573) 751-8870
John.Sauer@ago.mo.gov
Counsel for State of Missouri

/s/ Elizabeth B. Murrill

Elizabeth B. Murrill (La #20685) Solicitor General Louisiana Department of Justice 1885 N. Third Street Baton Rouge, Louisiana 70804 Tel: (225) 326-6766 murrille@ag.louisiana.gov Counsel for State of Louisiana

A copy of the document was also transmitted via CM/ECF to counsel for Ms. Psaki at the following address:

Edward E. Bagnell, Jr. (VSB # 74647) Email: ebagnell@spottsfain.com Spotts Fain PC 411 E. Franklin Street, Suite 600 Richmond, VA 23219 Tel. 804 697-2000

Fax: 804 697-2177

A copy of the document was transmitted via email to additional counsel for Ms. Psaki at the following addresses:

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Jeannie S. Rhee* 2001 K Street, N.W. Washington, DC 20006 jrhee@paulweiss.com

David K. Kessler*
Muamera Hadzic*
1285 Avenue of the Americas
New York, NY 10019
dkessler@paulweiss.com
mhadzic@paulweiss.com

Further, a copy of the document above was also transmitted by email to additional counsel for Respondents at the following addresses:

Jenin Younes, jenin.younes@ncla.legal John C. Burns, john@burns-law-firm.com

/s/ Lauren A. Wetzler

LAUREN A. WETZLER Chief, Civil Division Assistant United States Attorney